

State of California

Before the State Water Resources Control Board

**Sixth Workshop to Review Standards for the
San Francisco Bay/Sacramento-San Joaquin
Delta Estuary**

Workshop of October 19, 1994

**Comments and Recommendations by the California
Sportfishing Protection Alliance**

The State Water Resources Control Board (State Water Board) is holding this workshop to seek comments and recommendations regarding proposed new standards for the San Francisco Bay - Sacramento - San Joaquin Delta Estuary (Bay Delta Estuary).

The State Water Board staff will prepare a complete regulatory alternative that protects beneficial uses, balances this protection against a limited water supply, and reflects the comments of the participants as much as possible. We reference the notice of public workshop for the staff workshop to review proposals on standards for the San Francisco Bay/Sacramento - San Joaquin Delta Estuary; September 27, 1994.

We are concerned that the staff's "complete regulatory alternative" may simply be a "band aid" to fence off the EPA recommended standards for the Bay Delta Estuary. We insist that the staff's "complete regulatory alternative" does in fact protect and restore the public trust resources of the Bay Delta Estuary, and does in fact comply with the provisions of the Clean Water Act, federal Endangered Species Act, common law public trust doctrine, and other applicable state and federal laws. Consequently, the staff's "complete regulatory alternative" must clearly state how this alternative will comply with the Clean Water Act, federal Endangered Species Act, common law public trust doctrine, and other applicable state and federal laws.

The State Water Board has a duty and a responsibility to protect the public trust resources and water quality of the Bay Delta Estuary. State Water Board Draft Decision 1630 clearly provides the evidence

that the public trust resources of the Bay Delta Estuary have been significantly degraded and could be extinguished under the present standards in State Water Board Decision 1485 and the present allocation of water which has cumulatively affected fresh water flowing into the Bay Delta Estuary.

In accordance with the requirements of the Clean Water Act, the United States Environmental Protection Agency (EPA) has made recommendations to the State Water Board to protect water quality and public trust fish and wildlife resources in the Bay Delta Estuary.

Species of public trust fishery resources in the Bay Delta Estuary have been listed for protection under the federal Endangered Species Act. This list will grow unless the State Water Board makes the right decision to improve standards for the Bay Delta Estuary.

We believe the CSPA has found the water to meet the EPA recommended standards. That analysis was forwarded to the State Water Board. That matter will be discussed at the water right workshop in this proceeding.

The State Water Board recently made the right decision when it adopted the Mono Lake Decision. The Bay Delta Estuary is similar to Mono Lake. The key to repairing the damage to the estuary is fresh water. The State Water Board when it adopted the standard for Mono Lake, set the standard for the protection of the Bay Delta Estuary.

At the water rights hearing for D-1630, the water users collectively would not contribute "one gallon" of fresh water to repair the damage to the estuary.

We recommend and urge the State Water Board to adopt the EPA standards for the Bay Delta Estuary to protect and restore the public trust resources and water quality of the Bay Delta Estuary.

Respectfully Submitted



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